

TITLE 10

ANIMAL CONTROL

CHAPTER

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CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
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10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1985 Code, § 3-101)

10-102. Keeping near a residence or business restricted. (1) No horse, mule, donkey, cow, goat, sheep, or animal raised shall be kept within the city limits, except in an outlying district where there are not more than three (3) residences, other than that occupied by the owner or occupant of the premises upon which said animals are kept, within a distance of five hundred (500) feet of the structure housing said animal, unless a written permit therefore is issued by the health officer after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. Such permit shall be issued for the keeping of any such animals on any lot in the following two cases:

- (a) Where such animals were being lawfully kept on such lot prior to the enactment of this chapter;
- (b) Where such animals were being lawfully kept after the enactment of this chapter in an area, in which there were not three

residences within a distance of five hundred (500) feet of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing the animals within a restricted district. Such permit shall be for the term of one year only and shall not be renewed without a reinspection of the premises.

(2) No chicken coop, dove, cote, dog kennel, rabbit warren or other yard structure where animals are kept or where small animals and/or fowls are kept shall be maintained closer than fifty (50) feet to any house, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept. Not more than six dogs, cats, rabbits, guinea pigs, ducks, geese or any other small animal or fowls, more than six (6) weeks old, shall be kept on any premises within the city limits, except in an outlying district where there are not more than three (3) residences, other than that occupied by the owner or occupant of the premises upon which said creatures are kept, within a radius of five hundred (500) feet of the structure or area enclosing said creatures without a permit issued by the health officer after an inspection of the premises and a finding of fact to the effect that no nuisances will be created thereby. Such permit shall be issued for the keeping of any of such creatures on any lot, only in the following two cases:

(a) Where such animals were being lawfully kept on such premises prior to the enactment of this chapter;

(b) Where such animals or fowls were being lawfully kept on such lot after the enactment of this chapter, in an area in which there were not three (3) residences within five hundred (500) feet of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing said animals within a restricted district. Such permit shall be for the term of one year only and shall not be renewed without a reinspection. (1985 Code, § 3-102)

10-103. Stable or enclosure to be kept clean. (1) Every stable, or other building, wherein any animal is kept, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times. Every such stable or other building occupied by authority of a permit shall, if located within two hundred (200) feet of any tenement house, apartment, house, retail food store, buildings used for school purposes, religious purposes or a residence, other than that occupied by the owner or occupant of the premises upon which said animals are kept, be provided with a water tight and fly tight receptacle for manure, of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent it becoming a nuisance. Said receptacle shall be kept securely covered at all times, except when open for deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle. The health officer, shall, if he deems such measures necessary, in order to avoid a nuisance, require

that any such building be screened tightly against flies and other insects and/or that it be provided with running water, drain connection, flooring impervious to water, and that such other measures be taken as may be necessary to insure the proper protection to public health and safety, as conditions precedent to the issuance of any such permit.

(2) All structures, pens, coops, or yards, wherein such animals or fowls are kept, or permitted to be kept, shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from all objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of all structures shall be whitewashed or painted annually or as often as the health officer shall direct. The health officer, upon the complaint of any individual, shall inspect any such structure or premises and issue any such orders as may be necessary to carry out the provisions of this chapter. (1985 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1985 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1985 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1985 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the animal warden or by any police officer and confined in a pound provided or designated by the board of commissioners. If the owner is known, he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted for three (3) days at city hall. In either case the notice shall state that the impounded animal or fowl must be claimed within three (3) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1985 Code, § 3-107)

10-108. Citation procedure. (1) Whenever the animal warden determines there has been a violation of any of the provisions of this chapter, in lieu of obtaining a warrant for arrest of the offender, the animal warden may prepare written notice to appear in the city court, containing the name and address of such person, the offense charged and the time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of issuance to appear.

(2) The cited person shall sign one copy of the notice to appear. One copy of the notice to appear shall be delivered to the cited person. (Ord. #93-6, Jan. 1994)

10-109. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1985 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

- 10-201. Definition of terms.
- 10-202. License and registration required.
- 10-203. Tag and collar.
- 10-204. Running at large prohibited.
- 10-205. Impounding.
- 10-206. Notice to owner and redemption.
- 10-207. Disposition of unclaimed or infected dogs.
- 10-208. Confinement of certain dogs.

10-201. Definition of terms. As used in this chapter, unless the context otherwise indicates:

- (1) "Dog" shall be intended to mean both male and female.
- (2) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog. (1985 Code, § 3-201)

10-202. License and registration required. All dogs kept, harbored or maintained by their owners in the City of South Fulton, shall be licensed and registered if over six (6) months of age. Dog license shall be issued by the city recorder upon the payment of \$1.50, and the presentation of a valid certificate of inoculation signed by a licensed veterinarian. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address, and the name, breed, color and sex of each dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. (1985 Code, § 3-202)

10-203. Tag and collar. Upon payment of the license fee, the recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Such license tag shall be issued annually on or before the 1st of June of each year. In case

a dog tag is lost or destroyed, a duplicate will be issued by the recorder upon presentation of a receipt showing the payment of a license fee for the current year, and the payment of a fifty (50) cent fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of dog or the owner's leaving the city before expiration of the license period. (1985 Code, § 3-203)

10-204. Running at large prohibited. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person. (1985 Code, § 3-204)

10-205. Impounding. It shall be the duty of every police officer or animal warden to apprehend any dog found unlicensed contrary to the provisions of § 10-202, and to impound such dog in the city pound or city designated pound or other suitable place. The animal warden (or such other designated official) upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog. (1985 Code, § 3-205)

10-206. Notice to owner and redemption. Not later than one day after the impounding of any dog the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for three days at the city hall, in the City of South Fulton, describing the dog and the place and the time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the City of South Fulton for impounding and maintenance of said dog.

The following charges shall be paid to the City of South Fulton for impounding any dog: ten dollars (\$10.00) for keeping any dog and one dollar (\$1.00) per calendar day or part thereof. (1985 Code, § 3-206)

10-207. Disposition of unclaimed or infected dogs. It shall be the duty of the animal warden (or such other designated official) to keep all dogs so impounded for a period of three days. If at the expiration of three (3) days from the date of notice to the owner or the posting of notice, such dog shall not have been redeemed, it may be destroyed. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infection or dangerous disease shall not be released but may be forthwith destroyed. (1985 Code, § 3-207)

10-208. Confinement of certain dogs.¹ No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any

¹See chapter 3 of this title for regulations of certain breeds of dogs referred to as "attack dogs."

such dog is found running at large in violation of this provision it shall be taken up and impounded and shall not be released except upon approval of the animal warden (or such other designated official), after payment of the fees provided in § 10-206. Provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.¹ (1985 Code, § 3-208)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W. 2nd 661 (1928).

CHAPTER 3

"ATTACK DOGS" REGULATED

SECTION

10-301. Permit required for certain breed of dogs.

10-302. Permit procedures.

10-301. Permit required for certain breeds of dogs. No person shall be allowed to have dogs of the following breeds: Rottweiler, Pit Bull Terrier, Doberman, and German Shepherd in the City of South Fulton unless a permit shall have first been granted by the City of South Fulton for the owner to maintain the dog within the city limits. Dogs of these breeds shall be referred to herein as "attack dogs", regardless of the disposition of the animal or the degree of the breed in the dog's genetic composition. All owners of attack dogs which are found within the City of South Fulton in violation of this chapter, whether or not said attack dogs are confined or running loose, shall be cited and are subject to having their dog impounded until they meet all requirements for obtaining a city permit. If said animals are impounded the owner shall be required to pay for the cost of the impounding, cost of keeping the dog at the impound. Additionally, they shall be subject to being cited for a violation of this chapter for each day that the dog has been in the impound location. (Ord. #96-11, Dec. 1996)

10-302. Permit procedures. Procedures for obtaining a permit are as follows:

(1) The owner shall make application at the office of the chief of police of the City of South Fulton for a permit. The application shall state the dog's age, height, weight, breed, distinguishing characteristics, the address at which the dog is authorized to be located and what manner the owner plans to use to maintain the dog and prevent it from escaping or leaving the premises.

(2) Application for permit shall be rejected by the chief of police (or his designee) unless the dog is restrained behind a fence of at least 4 ft. in height or is restrained on a chain or cable capable of supporting 150 lb. weight. Dogs may not be kept on ropes or any type of leash if said rope/leash is not made of metal in its entirety. (This means that the rope/leash's load-bearing capacity must be borne entirely by metal.) The chief of police may defer approval of an application until an inspection of the property and the means of restraining the dog have been accomplished. In such circumstances the owner of the dog shall not be liable in violation of this chapter during the time that the application is pending, however, the owner must make reasonable attempts to restrain the dog and to keep the dog from being a public nuisance.

(3) There will be no fee required for a permit.

(4) The only animals which will be exempt from a requirement that their owner have a permit shall be those animals which have lameness and other infirmities due to old age so that these said animals do not constitute a threat to passer-bys and are not physically capable of escaping from a fenced-in yard or light restraints. Additionally, dogs which have been trained to assist their owners, such as seeing-eye dogs or dogs intended to help crippled persons, shall not be subject to the requirement that their owners obtain a permit from the city.

(5) Visitors to the City of South Fulton will not be required to comply with the terms of this chapter as long as their dog is maintained and restrained so as to not leave the property of the person whom they visit. Said dogs must not stay at that property for more than 72-hours unless a permit has been obtained. It shall be the sole discretion of the law enforcement officers of the City of South Fulton when and if the residents of the City of South Fulton and the visitors to those residents will be held accountable for violation of this chapter as a result of dogs brought into the City of South Fulton by visitors.

(6) Dogs which are impounded and which are not claimed by their owner after a four day period shall be disposed of humanely. The police officials of the City of South Fulton shall attempt to contact the owner if the owner can be identified and located. Any attack dog which is found wandering in the City of South Fulton shall be subject to being impounded. Vicious dogs, regardless of their breed, which attack a city official when the city official is attempting to catch the dog for impoundment may be shot and killed, when necessary, to protect the city official from harm. (Ord. #96-11, Dec. 1996)